

April 11, 2022

Regional Freedom of Information Officer
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202

Re: *Richardson Flat Tailings Superfund Site, Park City, Utah*

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the United States Environmental Protection Agency's ("EPA") FOIA regulations, 40 C.F.R. Part 2, Asarco LLC ("Asarco") by and through its counsel, McGuireWoods LLP, hereby requests the release of all documents and information associated with the soil and groundwater contamination and remediation for Operable Unit 2 and Operable Unit 3 at the Richardson Flat Superfund site ("Site"), EPA Site ID #UTD980952840, located in Park City, Utah. We request the following information:

1. All documents regarding and evidencing costs incurred, to date, towards the remedy and clean-up of OU2 and OU3 at the Richardson Flat Tailings site near Park City Utah, including but not limited to any costs incurred for characterization work, assessing the depth and extent of tailings, assessing the impacts on groundwater, any sampling work, data collection, and anything else the EPA has done at the Richardson Flat Tailing site;
2. Itemized Cost Summaries for OU2 and OU3 for the years 2019 and 2020;
3. All documents regarding and evidencing the deposit of Asarco settlement funds into any accounts related to activities at the Site.

For purposes of these requests, "document" refers to any electronic, written, graphic, video, or audio matter, however produced or reproduced, whether draft or final versions, and including but not limited to correspondence, e-mails, notes, interoffice communications, reports, memoranda, minutes, summaries, telephone records, telephone message logs or slips, PowerPoint presentations, meeting agendas, transcripts, call lists, spreadsheets, maps, photographs, data compilations, indices, privilege logs, or calendars.

In responding to these requests, EPA's search should encompass, but should not be limited to: (a) documents sent to or from e-mail addresses used by current or former EPA employees and representatives, regardless of whether such addresses are private or secondary addresses of official

addresses; (b) documents generated for any meeting which EPA participated or conducted, including agendas, spreadsheets, PowerPoint presentations, and notes; and (c) documents relating to or evidencing presentations made by any party to agencies or entities other than EPA.

With respect to these requests, EPA need not provide Asarco with duplicative copies of documents to the extent the same document is located in more than one location. EPA should, however, produce *in toto* any document and its accompanying attachments.

FOIA Exemptions

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information to appeal the denial. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F). To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, addressees and recipients, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for the denial, including identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions, identify and describe the withheld portions, specify the applicable exemption, and provide the remainder of the record. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F), (b).

Timing and Mechanics of Production

We request that in responding to this letter, EPA comply with all relevant deadlines and other obligations set forth in FOIA and EPA's regulations, and we look forward to receiving your response within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i); 40 C.F.R. § 2.104(a). Please produce records on a rolling basis; the search for—and deliberation concerning—certain documents should not delay the production of others that the EPA has already retrieved and could turn over. Please note that Asarco is interested in working with the EPA to ensure that the burden associated with this FOIA request is minimized to the extent practicable, including discussing phased or prioritized document productions.

We prefer to receive electronic documents, and not paper copies, whenever possible. To the extent possible, we request that EPA provide the requested information in searchable, electronic format on CD, DVD, or external hard drives of sufficient size to contain the production. Electronic files should be provided in their original format, not in PDF containers. Individual e-mails, and their attachments, should be maintained as single msg files. If this is not possible, then e-mails and their attachments should be provided in either PST or NSF containers, thereby preserving all attachments information.

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We understand that there may be fees and costs associated with this request, and we agree to pay any fees or costs up to \$200.00 associated with making these materials available to us. If the costs will be in excess of \$200.00, please advise me before such costs are incurred.

Thank you for your assistance.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'GJ DuBoff', with a stylized flourish at the end.

Gregory J. DuBoff